

December 11, 2006

**City of Milton-Freewater
City Council Minutes**

The Council of the City of Milton-Freewater met in regular session Monday, December 11, 2006 at 7:00 p.m. in the Albee Room of the Library.

The following members were present: Mayor Lewis Key, Councilors Orrin Lyon, Brad Humbert, Keith Woods, Debbie Kelley and Steve Irving.

Staff members present were City Manager Delphine Palmer, Assistant City Manager Linda Hall, Public Works Superintendent Dave Bradshaw, Project Manager Howard Moss and Water/Street Supervisor Steve Birdwell.

Citizens present were Paul Seaquist, Ed Chesnut, Manfred Anliker, Jeff Anliker, Larry Givens, Cheri Davis, Hulette Johnson, Dennis Doherty and Rick McEvoy.

Press members present were Melanie Hall of the Valley Herald and Phil Wright of the East Oregonian.

PRESENTATION CIS SAFETY AWARD. Adrian Aldridge, Eastern Oregon Risk Management Consultant with City/County Insurance Services (CIS), thanked the City of Milton-Freewater for being a member/owner of the CIS Trust for twenty-five years. Mr. Aldridge then presented the City with a plaque and a \$500 check, hopefully to be used for staff training or risk management purposes.

Mayor Key commended staff for this accomplishment.

CONSENT CALENDAR ITEMS: The consent calendar items consisted of minutes from the November 13, 2006 city council meeting. Councilor Humbert motioned to adopt the consent calendar item. Councilor Woods seconded the motion which passed unanimously.

NEW BUSINESS

APPROVAL COUNCILOR PARTICIPATION WATERSHED COUNCIL. Councilor Keith Woods stated he had been appointed to be on the Watershed Council and the term is expiring. The choice is to re-appoint Councilor Woods, or appoint another councilor to the position. The meetings are held once monthly, plus a minimum of two other meetings during the year, usually held in Walla Walla, Washington.

Councilor Kelley motioned to re-appoint Councilor Woods to the Watershed Council. Councilor Humbert seconded the motion which passed unanimously.

APPEAL DECISION TO UPHOLD CHARGES FOR SEWER LINE EXTENSION. Paul Seaquist, Seaquist Century 21, stated the first issue regarded property located on Davis Street and when building and zoning permits were applied for, there was an old house on the corner connected to the City's sewer with an interior lot that had never been built on. The fees were paid to the City in the amount of \$2,000 for connecting the sewer and nothing was mentioned as to the issue of no sewer in the street. The first time Mr. Seaquist

said he knew there was no sewer line on this street was when he received a statement from the City in the amount of \$2,466.65. There was never an order or purchase signed by Mr. Seaquist, so he contacted city management on December 11, 2006. Mr. Seaquist stated he should have been apprised to the fact there was no sewer line in place. If he had known, he could have had two options. One, have city staff install the sewer line, or two, hire his own contractor to complete the sewer line. Mr. Seaquist said he did not have any problem with the work that has been done, that Water/Street Supervisor Steve Birdwell and his staff did a first-class job, but instead is having a problem with not knowing about the sewer line until the work was already completed.

Addressing Mr. Seaquist, Councilor Woods said that having built a number of properties; please explain if you had built this yourself, would the amount for materials you would have paid to some other business be comparable. Mr. Seaquist stated he did not know the answer to this.

From City staff, Councilor Kelley reported the signed work order stated the following under description of work to be done: install a 3/4 x 5/8 water meter and service on cost basis, \$200 deposit had been paid. There was a reduction on this bill of \$542.67, a reduction of actual cost. The new service constructed by City staff was requested by Alpine Construction and billed to the developer. Councilor Kelley stated she did not understand the full scope of this project. City Manager Delphine Palmer asked former Public Works Superintendent and current Project Manager Howard Moss to address the issue.

Mr. Moss stated one house was removed and credit was allowed for one-set of system development charges for the removal of the existing home because it had services. The second home went in under a partition. The sewer was constructed the following day that the public works crew constructed the signed work order for the water service based on Alpine Construction's request. Mr. Moss said he was asked to independently evaluate the project, so discussed with Public Works Superintendent Dave Bradshaw and Water/Streets Supervisor Steve Birdwell at the time the statement was contested as they were advised none of the fees would be paid. It was determined the City could have sent a video camera up the sewer line to show that it did not extend through the frontage of the house, but merely three feet from the manhole. When the sewer was constructed coming from the home at the appropriate area at right-angles to the street it was found there was no sewer line there. The crew then had to construct an additional forty-eight (48) feet to contact an existing sewer line. After discussing this with City Manager Palmer, it was determined that perhaps some effort could have been made to find the sewer and have it extended up there, so Mr. Moss said he measured and calculated the prorated rate of reduction as if it were angled into where the sewer was. Mr. Moss said he submitted this information to Mr. Seaquist and both discussed the information. Mr. Moss said it was clearly necessary and that he had reviewed the statement and the costs were appropriate. Mr. Seaquist recommended the bill be split. Mr. Moss said he then brought the information to City Manager Palmer and stated he thought the City should not split the bill as he felt it was a payable bill; that had it not been constructed by city staff, Mr. Seaquist would have had to hire it done by a contractor at a cost unknown. Mr. Moss also noted that over the period of time during this dispute, Ms. Palmer forgave finance charges totaling \$210.95 that involved this project and others the City is involved with Mr. Seaquist.

As to the question whether or not there are sewer mains in the street, Mr. Moss stated there are, but at this particular location, the sewer main did not come up the forty-eight feet. Typically when lots are partitioned with the system built in 1947, there were not stub-outs into potential lots. Even if there had been a sewer main throughout the entire property, the developers still would have had a cost approaching \$1,000.

Councilor Humbert asked Mr. Moss, referring to a map, if the sewer main would have extended up the street, then Mr. Seaquist would only have to come straight out from the property to dump into the main sewer line. Did the City charge Mr. Seaquist for the extension of the main line. Mr. Moss said no, it was just a service with four-inch pipe. Councilor Humbert clarified that the City gave Mr. Seaquist a credit because the City did not come from the outhouse over to the manhole. Mr. Moss concurred.

Councilor Kelley motioned to uphold the current balance of \$1,923.98 from the 1218 Davis Street sewer extension line. Councilor Lyon seconded the motion which passed with Councilor Irving the only negative vote.

Mr. Seaquist addressed the Council with the second issue stating he was appealing the statement for curb, gutter and sidewalk installment. Mr. Seaquist asked when that occurred. Mr. Moss said approximately six years ago. Mr. Seaquist then said that six years ago the curb and sidewalk were constructed and the curb would not run water. Anytime, Mr. Seaquist said, he developed a piece of property in the City of Milton-Freewater, the Public Works Superintendent has come when the curb is cured and run water from one end to the other. If it will not run the water, they take the curb back out and adjust it until it does run water. Currently it will not run water and in front of the gate, in order for someone to access the facility, while water is on the street, it's two inches deep. Finally after about three years, I got them to come and put a dry well in, which addresses the problem about 75% of the way, which is probably as good as it's going to get. The issue is, if the curb was never installed correctly from day one, had it been a private developer, they would have come out and the project re-done. Mr. Seaquist said he re-did 200 feet of curb on S. Andrea Street during that development because there was a quarter inch of water standing in the gutter. Regardless of whether the City constructs these curbs and gutters or some other contractor, the curbs should run water correctly.

Mr. Moss said this issue does date back to February 24, 2004 when Mr. Seaquist originally asked Mr. Moss to correct this with the full assurance Mr. Seaquist would pay for the drywall well or whatever it would take to correct the problem. Mr. Moss said he had told Mr. Seaquist he felt it was a minor issue; that when streets are constructed many times there is some standing water, and it is true, Mr. Moss said, he had been involved in rejecting curbs. Mr. Moss said he rejected curbs this summer on the current subdivision that was built. This was due to standing water. Northeast 5th Street was a project built to do some landscaping and sidewalks for the walking public—this was a difficult job to do with the funds available. City staff was unable to do a total reconstruction as was done on Lamb Street, SE 15th Street. This was done by contract with the available funds. Mr. Moss further said that Mr. Seaquist had provided a photo that appeared to be post-construction of the dry well and Mr. Moss said he could not speak to that. There is some

standing water in the picture, but Mr. Moss said he had not been involved, but it appears to be quite small. Regardless, Mr. Moss said this is an honor issue and Mr. Seaquist stated he would pay for this and Mr. Moss wrote the work order, but that it would be on the back-burner and was not constructed for two and one-half years. The bill was in the amount of \$821.02.

Mayor Key said that before the street was constructed and the sidewalks constructed, was it a gravel driveway or paved? Mr. Moss said he believed it was gravel. Mr. Moss further said he did not know if there was standing water before, but there is standing water today all up and down the street. Mr. Seaquist said that before the dry-well was put in, there was two inches of standing water.

Councilor Lyon asked if it had been two and one-half years since after the curb and gutter was constructed that the dry-well was put in. Mr. Seaquist said it had been two and one-half years since he asked to have it put in. Mr. Moss said the dry-well was put in sometime over the past summer. Councilor Lyon asked if the reason Mr. Seaquist contested the billing was that it had been so long since his request. Mr. Seaquist said yes, that for the past two and one-half years people have been skating on the ice from standing water. Mr. Seaquist said that if he was expected to pay the bill, the work should have been done when it was requested. Mr. Moss responded saying that at the time of the request it was a clear understanding that the work would be done at such time that Public Work staff did not have other work in front of it as our Public Works department is very small.

Councilor Woods asked if Mr. Seaquist wanted the bill to be reduced to zero dollars. Mr. Seaquist said, "Absolutely."

Public Works Dave Bradshaw stated that when he was approached to do this job, Mr. Seaquist said he would pay for it and that was this past spring.

Councilor Kelley motioned to uphold the charge for services done in the amount of \$821.02. Councilor Lyon seconded the motion. Motion did not pass. Councilor Lyon, yea, Councilor Humbert, nay, Councilor Woods, nay, Councilor Kelley, yea, Councilor Irving, nay.

Councilor Kelley advised staff to request payment in advance before work has begun.

PRESENTATION UMATILLA COUNTY AND DISCUSSION REGARDING HWY 11 CORRIDOR. Umatilla County Commissioner Dennis Doherty presented a check in the amount of \$2,000 to the City of Milton-Freewater for their "Make A Difference Day" project.

Commissioner Doherty also updated the Council regarding the status of their concept paper and intentions to the Milton-Freewater area revitalization on the Highway 11 corridor. Umatilla County Board of Commissioners approved the zoning change on property located by the state line along highway 11. There has been an appeal filed against this decision and it is the burden of the State Land Conservation and Development Commission to establish grounds to overturn the County's decision. COSTCO, a large box

store, was the incentive for the County to work on this project. Commissioner Doherty said he felt it fair to say that this project is no longer all about COSTCO.

The concept paper has not changed since the meeting with City Manager Delphine Palmer, but wanted the Council to review the paper and be familiar with its content. Commissioner Doherty further said he did not see this as a county project, but instead as a community based, locally driven effort with the County acting as lead on behalf of the community. Community equals property owners, business owners, developers, real estate interests and county interests.

For this project, Commissioner Doherty requested a Project Manager, not a facilitator or coordinator, who would have authority to deal with the many facets of the project. This person would also be a member of the project team. We would like to have all of these people appointed right after the first of the year. County appointments may be made as soon as by the end of this year. Commissioner Doherty also said he would like to see some funding and create a budget between local, county and state governments to further aid the project.

City Manager Delphine Palmer asked specifically what would be expected from the City as there have been several applications completed. But would the City appoint someone from city staff, or would we appoint a local citizen? Commissioner Doherty stated there can be many members of the general committee, but there can only be one project lead person (perhaps Cheri Davis), with a smaller steering committee with no more than eight people. The Technical Committee would include Umatilla County Economic Director Hulette Johnson and others with expertise in economic development. For Land Use, the County will appoint Tamra Mabbott, Planning Director or someone in her department that she would designate. Currently there is no plan for someone for the Outreach Committee. Ms. Palmer said this was all for the County. Commissioner Doherty said for the steering committee, the City would need to appoint two people and would also appoint someone for each of the technical committees.

Councilor Kelley said she worked for Walla Walla County, but lives in Milton-Freewater and does business locally. She said she had heard of many meetings in the area discussing more development in Umatilla County, and not just through the corridor. She asked Commissioner Doherty if he had heard the same. Commissioner Doherty said he had discussed the idea of having a resident of the Walla Walla County serve on the steering committee, although they would be a property owner in Umatilla County. Councilor Kelley said she was not discussing committee members, but land use possibilities along the corridor as well as development along the old highway, which would require more zone changing to take place other than 250 feet each side of the corridor, as this seems a narrow focus. Commissioner Doherty said the first of the ten objectives in the concept paper addresses the scope of the planning area. The project team will decide this. So the concept paper does not limit the scope to the corridor, but this is where most of the discussion seems to have focused recently. Councilor Kelley continued stating she had apprised the Council and staff that she was attending meetings with other groups where these discussions have taken place and wondered if there had been any discussions other than the corridor. Commissioner Doherty stated he had been in discussions regarding the loop idea, wineries, boutiques and businesses not located on the corridor. Umatilla County

Economic Director Hulette Johnson has discussed tourist-based initiatives, promotional ideas, but again, there hasn't been any funding to support these ideas.

Cheri Davis, Eastern Oregon Economic Advisor to the Governor, stated she had been meeting with a group from Walla Walla Community College and have discussed land use in other areas in Umatilla County other than Highway 11 corridor. Councilor Kelley said she was a member of this group.

Commissioner Doherty stated that the project lead person would take these issues on to determine the positive and negative impacts to the corridor to use additional lands.

Mr. Hulette Johnson stated he had worked with several groups from Walla Walla and Washington State, and they seem to be very interested in what we are doing in Umatilla County.

Councilor Woods asked what groups would be involved in the structural vision. Commissioner Doherty said this would be at the discretion of the project leader.

Ms. Davis stated she would work with local, county agencies representing state agencies to see this process through.

Mayor Key then announced this was the opportunity for citizens to approach the council with issues not on this agenda. There were none.

MANAGER'S REPORT

City Manager Delphine Palmer reported that she and Assistant City Manager Linda Hall were ready to go out with the Police Chief recruitment ad. Police Chief Mike Gallaher will be retiring as of March 1, 2007. Ms. Palmer asked for a member of the Council to serve on the selection panel for that position. It was the consensus of the Council to have Councilor Kelley serve in that capacity.

Ms. Palmer stated that she and Ms. Hall had met with Golf Course Manager George Gillette and Parks/Recreation Supervisor Tony Anfinson regarding the restaurant. Simon's were unable to continue. Mr. Gillette had the restaurant for a number of years, and from his experience and others, it was determined to develop the Request For Proposal (RFP) around some general desires. It was thought to have breakfast and lunch with sandwiches, more like a sports bar. Good food, three meals a day, but gourmet hamburgers and sandwiches. We would like to request resumes to know more about their backgrounds. Ms. Palmer said she felt very positive about what would succeed there.

Ms. Palmer announced she would be going to the Port of Umatilla. The Port used to give the City \$5,000 for economic development. Ms. Marge Roff, board member for the Port, asked that these funds go directly to the Community Development Partnership (CDP) group with an additional \$10,000. A lot of this money has helped with Logs to Frogs and other community events. Currently, and since CDP was very generous to the "Make A

Difference Day” project, they are running short of funds. Ms. Palmer said she will be requesting \$4,000 to print the map of frog statues. This will take this burden off from the CDP group and allow the City to have all the printing done.

Ms. Palmer said there were a lot of little odds and ends to be done at the Community Building to complete the “Make A Difference Day” project on the interior. A lot of painting and fixing. Mr. Ed Chesnut and a group of other people have really put in a lot of work and Ms. Palmer said she wanted to thank all of them. The department heads are all going there on Wednesday to complete the trim. Project Manager Howard Moss has received a grant to install a new dishwasher and a new steam table.

Ms. Palmer said she had attended the ribbon-cutting ceremony on December 7th for the project-ready Key property. This is exciting and there is already some interest. It’s a fantastic spot and the information will go out nationwide on all the websites.

City staff are also very excited about taking over the business at the Community Building, said Ms. Palmer. There is a lot to do in the transition process—making up new forms, procedures, and trying to make the transition as smooth as possible. Ms. Palmer announced that since the Chamber of Commerce has moved out of the Community Building, she would like to see something go in there she has wanted for a very long time. A C.O.P. Shop (Community Operated Police Shop)! Ms. Palmer went on to say that in Spokane, Washington, there are “C.O.P. Shops” in all the neighborhoods. Our City has their Volunteers in Police Service (VIPS) and our reserve police officer program. The space in the Community Building would be used as office space for both the VIPS and the reserve officers. This would allow the City’s police department to have a presence in the downtown area, which is real positive. Ms. Palmer said she asked Police Chief Gallaher and Police Sergeant Darren Richman to go to Spokane to tour and visit the “C.O.P. Shops” already established there. Also, when there are functions in the Community Building, especially functions with alcohol use, it is planned to have one VIPS officer and one Reserve officer that will attend these events as monitors. In the past, minors have been allowed to drink and there have been numerous noise complaints, so with the Reserve officer and VIPS officer, rules will be enforced. No underage drinking, no loitering and they will have with them a decibel reader to monitor noise levels. If there are problems, the police department will be contacted.

Councilor Woods asked if Ms. Palmer envisioned citizens coming into the “C.O.P. Shop” to visit, have a cup of coffee, etc. Ms. Palmer said that is exactly what she envisions. There is a fire place in the front office, and what they found in Spokane is that people will come in and pass on a lot of information gathered from neighbors and employees working in the area. Councilor Irving asked if COP was an acronym and Ms. Palmer explained that it was and stood for “Community Operated Police”. Councilor Irving asked if the Neighborhood Watch program would set up their watch committees through this office. Ms. Palmer said there will be a meeting place; the City will have officer contact there;

there will be training held there, identification programs, etc. Councilor Kelley thought that possibly dog and bicycle licensing could be done there.

COUNCIL ANNOUNCEMENTS

Councilor Lyon said he had had several conversations with local golfers and they are interested in getting something in the restaurant. They said the golf course would really suffer if something is not done soon. Ms. Palmer said this process has begun with a lot of work involved to get the RFP (Request For Proposal) completed. The discussions have been specifically targeted to the question, "What would succeed there?" It has been determined to be more of a sports oriented establishment.

Councilor Woods asked if there had been any interest in filling the vacant seat as our youth councilor. Assistant City Manager Linda Hall stated she had been concentrating efforts on the local government class. Ms. Hall further said the class is working on a project and she had been helping a group of three students from the class and would be working on a video project discussing the "Initiatives and Referendum Process". There is a particular young man in the group that has expressed the most interest. This is the only interest received to date.

Councilor Woods asked if there had been any applications received to fill the vacant seat on the Council. Ms. Hall said she had received an application from Mr. Bob White and has been asked for an application from another.

Mayor Key said that when Umatilla County Commissioner Doherty asked for a list of people for the committee, he was given an second assignment to find a person to be on a committee to decide whether or not there should be a committee to establish historical sites in Umatilla County. Mayor Key said he has yet to find someone to be on this committee.

Mayor Key thanked the Council and City staff for the nice card and flowers received while in the hospital. It was nice and really cheered him up!

Councilor Kelley said she was on the steering committee, Creating A Value Added Community (CVAC), which started at Walla Walla Community College over a year ago. The group is now evolving and they are looking for a new name. There is a forum scheduled for January 25th and 26th and there may be another one in February and March. The forums will concentrate on economic development and land use. Information will follow in the newspapers. There is no cost to the forums and involves the Walla Walla Valley area. There will be a video conference on December 19th with a gentleman from Jacksonville, Florida where a vision took place twenty-five years ago, and they are continuing to work on this vision to pull together all kinds of entities the same as we have been working in this area to make things a little more cohesive. With the employment opportunities coming in, our area does not have housing in the \$100,000 to \$200,000

range. There are not enough housing in the \$200,000 + range in Milton-Freewater. New jobs are coming in with the expansion at the Washington State Penitentiary. Currently, the Tri-Cities area (Pasco, Kennewick and Richland, Washington) are planning to house workers there that will commute to Walla Walla.

Councilor Woods announced that on December 15th there will be an implementation, working group meeting held in Walla Walla in association with the Watershed.

There being no further business, the meeting was adjourned at 8:31 p.m.

Lewis S. Key, Mayor